

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case
No.

5:22-cv-01800-SSS-SHKx

Date October 24, 2022

Title

Marquise Bailey v. James M. Berardini

Present: The
Honorable

SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE

Irene Vazquez

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for
Defendant(s):

None Present

**Proceedings: ORDER TO SHOW CAUSE WHY THE COURT SHOULD
NOT DENY SUPPLEMENTAL JURISDICTION**

On October 12, 2022, Plaintiff Marquise Bailey filed her Complaint asserting a claim for injunctive relief arising out of an alleged violation of the American with Disabilities Act (“ADA”), 42 U.S.C. §§ 12182(a), 121282(b)(A)(i)–(iv), and 1283(a)(2); a claim for damages pursuant to California’s Unruh Civil Rights Acts (“Unruh Act”), Cal. Civ. Code § 52; a claim damages pursuant to California’s Disabled Persons Act, Cal. Civ. Code §§ 54.1(a)–(d); a claim for damages pursuant to California Health & Safety Code §19955; and a claim for damages under a state negligence theory. [Dkt. 1]. As the Unruh Act, the California Disabled Persons Act, the California Health & Safety Code, and the negligence claims are all pursuant to state law, as opposed to a federal law, the Court would only possess supplemental jurisdiction over them. *See* 28 U.S.C. § 1337(a).

The supplemental jurisdiction statute “reflects the understanding that, when deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in each case, and *at every stage of the litigation*, the values of judicial economy, convenience, fairness, and comity.’” *City of Chicago v. Int'l College of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)). The Court therefore orders plaintiff to show cause in writing why the Court should exercise supplemental jurisdiction over the state law claims asserted in the Complaint. *See* 28 U.S.C. § 1367(a).

In responding to this Order to Show Cause, Bailey shall identify the statutory damages she seeks to recover. Bailey and her counsel shall also support their responses to this Order with declarations, signed under penalty of perjury, providing all facts necessary for the Court to determine if they satisfy the definition of a “high-frequency litigant” as provided by California Civil Procedure Code §§ 425.55(b)(1) & (2). **Bailey shall file her response to this order no later than November 2, 2022.** Failure to timely or adequately respond to this Order may, without further warning, result in the dismissal of the entire action without prejudice or the Court declining to exercise supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

IT IS SO ORDERED.